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Pentagon Denies Polygraph Policy Is Move to Curb Press Disclosures

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Special to The New York Times

WASHINGTON, Dec. 9 — The Defense Department is planning an investigative program under which 100 polygraph operators will give lie-detector tests to military and civilian personnel to be selected at random, senior Pentagon officials testified today.

From 15,000 to 20,000 officials could be examined with the lie detectors, according to a critic of the program who, like the Pentagon officials, testified before the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights.

Gen. Richard G. Stilwell, a retired Army officer who is Deputy Under Secretary of Defense for Policy, testified that new regulations were being drawn up to improve counterintelligence investigations and not to curb the unauthorized disclosure of information.

Intent to Intimidate Charged

Prof. Christopher H. Pyle of Mount Holyoke College in South Hadley, Mass., a specialist on rights to privacy, told the subcommittee that the Reagan Administration's intent was "to manage the Defense Department by intimidation" and to reduce the flow of information to the public.

In a recent press briefing, Henry E. Catto Jr., the Pentagon's chief spokesman, said the proposed regulations were intended to reduce a "hemorrhage of information" to the press concerning national security, political issues and management of the department.

General Stilwell, who supervises the Defense Investigative Service and counterintelligence policy, told the subcommittee that "it is not the desire to clamp down on 'leakers' that motivated the proposals," and maintained that the new policy would "provide greater assurance than we presently have that those employees having access to the most sensitive information held by the department are not spying for a hostile government."

He said the Pentagon had 100 polygraph operators and that each military service would determine who would be tested. The Air Force, he added, planned to enter the names of potential subjects into a computer that would choose those to be examined at random.

General Stilwell was supported by William Howard Taft 4th, general counsel of the Defense Department, who said in a prepared statement that the polygraph was an investigative tool that should be used "to prevent the compromise of classified information where this does not pose a threat to the exercise of individual rights."

But Professor Pyle, who said he had examined current regulations against the proposed regulations line by line, asserted: "This Administration, like most Administrations, is determined to dry up or otherwise manipulate and control information that would enable members of Congress, the press and the public to understand what it is doing and why."

The professor, who once served as an Army captain in counterintelligence, contended: "The new polygraph interrogations are a part of a much larger policy involving efforts to classify more information, to restrict access to classified information, to restrict official contacts with the press and to repeal the Freedom of Information Act."

His estimate of the number of officials who might be given lie-detector tests, he said, came from applying the proposed regulations to officials with access to highly classified information. He estimated, for example, that 10,000 of the 25,000 employees at the National Security Agency that specialize in cryptography would come under the proposed policy.

But General Stilwell testified that polygraph examinations "will be administered at random on a very small scale," and added, "The value of the policy is in its deterrence, whatever the scale on which it is implemented."

The Pentagon spokesman, Mr. Catto, appears to have disagreed with General Stilwell on the purpose of the proposed polygraph program. Several weeks ago, Mr. Catto asserted that "too much sensitive information of a national security nature is getting into the hands of our enemies."

Freedom to Debate Cited

Mr. Catto said that included information in the press. Asked whether information was also classified to keep it out of the press for political or management reasons, Mr. Catto replied, "You are quite right," and said officials had to be free to debate while making decisions.

He asserted that "polygraphs can help pinpoint a quaint custom of this building," which he said was "arrogating unto oneself" the right to disclose information to sway Congressional or public opinion. "We want to try to discourage people with hidden agendas from free use of that kind of leak," Mr. Catto said.

A critical point of difference was a potential violation of the individual rights of those to be given lie-detector tests.

Mr. Taft said that "of course, individual rights must not be compromised by use of the polygraph." Asked whether that included timely notification of the right to counsel, he said it did and that about five minutes before a polygraph test was to be given, the individual would be advised that he could have his attorney present.

'Subtle Intimidation' Seen

General Stilwell said that a polygraph test would be suspended and rescheduled if a person wanted an attorney to witness it.

Professor Pyle contended that five minutes would be inadequate in advising a person of his rights, and would be "subtle intimidation." "It would take an act of moral courage to say, 'No, I want to talk to my attorney,'" he added.

Beyond the issue of rights to privacy, the professor asserted that polygraph tests were often unreliable. He pointed to a case last May in which an official accused of making unauthorized disclosures to the press denied it but failed three polygraph tests.

It turned out that the accusations were a mistake and the Pentagon implicitly admitted it had gotten the wrong man through the polygraph, Mr. Pyle said.

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